



COUNTY OF LOS ANGELES

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Agenda No. 8

10/23/07

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: PROJECT NUMBER R2004-00269-(2)
CONDITIONAL USE PERMIT NUMBER T200400016-(2)
SECOND SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding an appeal of the Regional Planning Commission's denial of the above-referenced permit which proposes an outdoor advertising sign on property zoned for Heavy Manufacturing in the Del Amo Zoned District. At the completion of the hearing you indicated an intent to deny the permit and instructed us to prepare findings for denial. Enclosed are denial findings for your consideration.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By

RICHARD D. WEISS
Assistant County Counsel
Property Division

APPROVED AND RELEASED:

RAYMOND G. FORTNER, JR.
County Counsel

RDW/
Enclosures

HOA.491940.1

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
PROJECT NUMBER R2004-00269-(2)
CONDITIONAL USE PERMIT NUMBER T200400016-(2)**

1. The applicant, Thompson Media Company, is requesting a conditional use permit ("CUP") to authorize a 14 feet by 48 feet (672 square feet) double-faced monopole outdoor advertising sign ("billboard") for off-site advertising. The 42-foot tall sign would be oriented for visibility to westbound and eastbound traffic on East Del Amo Boulevard.
2. The subject property is located at 2408 Rancho Way (Rancho del Amo Place), Rancho Dominguez, in the Del Amo Zoned District. The original address of the property was 2351 East Del Amo Boulevard. However, due to a bridge construction and road realignment by the Department of Public Works, the County enlarged the subject parcel and changed the address to 2408 Rancho Way.
3. The subject site is 41,630 square feet in size, consisting of three parcels held as one and on level land.
4. The subject property is zoned M-2 (Heavy Manufacturing).
5. Surrounding properties are zoned as follows:

North, East, West: M-2

South: City of Carson zoned property
6. There is an industrial manufacturing company that manufactures and installs tow truck equipment and that engages in tow truck sales on the subject property.
7. Surrounding land uses within 500 feet of the subject property consist of the following:

North: Industrial warehouse and railroad

South: Industrial warehouse

East: Industrial warehouse

West: Industrial warehouse, railroad, and industrial manufacturing
8. There is no history of zoning violations involving the subject property.
9. Plot Plan 48022 filed to authorize truck repair on the property was denied in August 2003 for a lack of activity on the case.

10. The subject property is designated as Major Industrial in the Los Angeles County General Plan. The intent of the Major Industrial category is to assure that sufficient land is allocated for a wide range of industrial activities serving both the domestic and export markets and providing jobs for a large portion of the resident labor force. The proposed outdoor advertising sign would slightly intensify the use on an existing industrial manufacturing property, but would not entail any new construction. The sign use could be found consistent with the goals of the Major Industrial land use designation of the General Plan.
11. The overall site plan shows the 41,630-square-foot subject site consisting of an existing 9,375 square feet manufacturing building with a 33-space parking lot surrounding the building. The proposed billboard would be located in the southwest corner of the property. The elevations show that the maximum height of the billboard would be 42 feet.
12. It has been determined that there are no other existing billboards within a half mile of the subject property.
13. The proposed sign would be freestanding and would not be located on a roof or extend over a roof.
14. The proposed sign would not be visible to any freeways or scenic highways from a distance of 660 feet.
15. The requested use is in an industrial office park area and there are no residential zones, parks, churches, and schools within 3,000 feet of the subject site.
16. The project can be found categorically exempt from the provisions of the California Environmental Quality Act ("CEQA") since it meets the criteria set forth in section 15301 of the State CEQA Guidelines and Class 3 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
17. In advance of consideration of the proposal by the Hearing Officer, a total of 30 public hearing notices were mailed out to the property owners within 500 feet of the subject property on December 21, 2004. The notice was published in *The Daily Breeze* and *La Opinion* on December 22, 2004. Case-related material, including the hearing notice, factual, and burden of proof were sent on December 21, 2004, to the Victoria Library located at 17906 South Avalon Boulevard, Carson. The property was posted with a notice of the Hearing Officer's hearing on December 30, 2004, in compliance with County posting requirements.
18. Staff received one letter of protest from a nearby property owner opposing the subject billboard request. He was concerned that the installation of the billboard would create an eyesore for the general area which was devoid of any such existing signs. Furthermore, he contended that existing Covenant, Conditions, and Restrictions ("CC&Rs") for the area prohibited billboards such as the one that was proposed.

19. The CC&Rs prohibiting billboards for this area of the County does list the property as being subject to this restriction. However, the Hearing Officer determined that he was not bound by the CC&Rs since they represented privately imposed restrictions that could be enforced by way of private legal action. The Hearing Officer approved the CUP, on the condition that certain corrections were made to the site plan, and subject to various conditions.
20. The Hearing Officer's approval was appealed to the Regional Planning Commission ("Commission") by the owners of the contiguous property on the basis that the placement of an outdoor advertising sign was in violation of the CC&Rs that burdened the property.
21. At its hearing the Commission was presented, among other things, with evidence that the owner of the subject property and the applicant had entered into an amendment to their lease addressing the need to either amend the CC&Rs to eliminate the prohibition on the placement of the proposed sign or obtain a legal determination that the CC&Rs did not apply. This information had not been presented to the Hearing Officer.
22. The Commission decided to reverse the decision of the Hearing Officer and denied the CUP. The Commission determined that, although it was not bound by the restrictions contained in the CC&Rs, the issues regarding the applicability of the CC&Rs had not been resolved by the applicant.
23. The Commission's denial of the CUP was appealed to the Board of Supervisors ("Board") by the applicant's representative, and the Board conducted its duly noticed public hearing on October 23, 2007. The applicant and the property owner both indicated a lack of prior awareness of the referenced CC&Rs, but no evidence was presented to the Board that the CC&Rs had been amended or that a legal determination had been rendered by a court that the CC&Rs were inapplicable.
24. The Board finds that the location of the proposed sign is not appropriate in that there are no other such signs located within approximately a half-mile of the subject property. Although the applicability of the CC&Rs to the proposed sign is a matter of private concern in the first instance, the existence of a restriction on the placement of such signs on the subject property for the benefit of adjacent properties provides evidence that the proposal, if approved, would be materially detrimental to the use, enjoyment, or valuation of such adjacent properties. The Board further determined that the placement of the sign could detract from, or obstruct existing permitted signs identifying the business signs of the adjacent properties.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

- A. The applicant has failed to substantiate to the satisfaction of the Board that the requested use at the proposed location will not adversely affect the peace and welfare of persons residing or working in the surrounding area; and
- B. The applicant has failed to substantiate to the satisfaction of the Board that the requested use at the proposed location will not be materially detrimental to the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site.

THEREFORE, THE BOARD OF SUPERVISORS, based upon the findings set forth above, denies Project Number R2004-00269-(2), consisting of Conditional Use Permit Number T200400016-(2).